

**FILED**

MAR 12 1990

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In re:	)	Docket No. TSCA-09-89-0015
	)	
ALUMINUM COMPANY OF AMERICA,	)	CONSENT AGREEMENT
	)	AND
Respondent.	)	FINAL ORDER

I

This administrative proceeding for the assessment of a civil penalty was initiated pursuant to Section 16(a) of the Toxics Substances Control Act, as amended (TSCA), [15 U.S.C. 2615(a)]. The action was instituted by a Complaint and Notice of Opportunity for Hearing (Complaint) issued on August 15, 1989. The Complaint charged Aluminum Company of America (Respondent), with the violation of 40 C.F.R. 761.30(e), 761.60(a) and (d), 761.65, 761.180(a) and Section 15(1) of TSCA [15 U.S.C. 2614(1)(c)] at the facilities owned by Respondent located at 5151 Alcoa Avenue, Vernon, California (Facility). Complainant is the

1 United States Environmental Protection Agency (EPA), Region 9.

2 II

3 Respondent and Complainant admit and agree that the Regional  
4 Administrator, EPA Region 9, has jurisdiction of the subject  
5 matter of the action set out in the Complaint and over the  
6 parties thereto, pursuant to 15 U.S.C. 2615 and 40 C.F.R.  
7 22.04(a).

8 III

9 Respondent neither admits nor denies the specific factual  
10 allegations made in the Complaint. Respondent hereby waives any  
11 rights which it may have to a hearing on any issues set out in  
12 the Complaint. Complainant waives whatever rights it may have to  
13 compel Respondent to answer or otherwise defend the Complaint.  
14 Respondent consents to the issuance of this Consent Agreement and  
15 Final Order without adjudication.

16 IV

17 By signing this Consent Agreement and Final Order,  
18 Respondent agrees to pay a civil penalty in the amount of FOUR  
19 THOUSAND EIGHT HUNDRED FIFTY DOLLARS in lieu of NINE THOUSAND  
20 SEVEN HUNDRED DOLLARS in the Complaint. The penalty adjustment  
21 set out herein above is based upon: 1) Respondent's good faith  
22 efforts to come into compliance with the TSCA regulations and 2)  
23 The Respondent's cooperation with the Environmental Protection  
24 Agency during settlement negotiations in the form of  
25 representations by Respondent's representatives which were  
26 followed by submission of Draft Clean-Up Agreements for PCB  
27 contamination in the #10 Press Building.

In executing this Consent Agreement and Final Order, Respondent agrees to undertake the following tasks and mitigative measures:

1. Respondent shall implement the requirements of 40 C.F.R. 761.180(a) with respect to the maintenance of records. Respondent shall submit to Complainant within 30 days after execution of this Consent Agreement by Respondent the PCB annual document format to be used in complying with this Agreement and shall submit a revised 1987 PCB annual document in accordance with 40 C.F.R. 761.180(a).

2. Within 45 days after the execution of this Consent Agreement and Final Order by Respondent, Respondent shall provide Complainant with documentation in the form of disposal manifests confirming that the Peeler Press and the Straightening Press have been disposed in accordance with 40 C.F.R. 761.60.

3. Within 45 days after the execution of this Consent Agreement and Final Order by Respondent, Respondent shall provide Complainant with copies of the site assessments conducted at the Peeler Press area and the Straightening Press area. Copies of site assessments shall include identification of sample locations, sample analysis results, description of any cleanup conducted and disposal manifests for any cleanup materials. The documentation shall confirm that standards required by

40 C.F.R 761.120 have been met.

4. Respondent shall provide Complainant within 60 days after the execution of this Consent Agreement and Final Order by Respondent with documentation in the form of disposal manifests indicating that the 1000 Ton Forge Press has been disposed of in accordance with 40 C.F.R. 761.60.

5. Respondent shall provide Complainant within 90 days after the execution of this Consent Agreement and Final Order by Respondent with a narrative description of Respondent's PCB and lead cleanup effort at the 1000 Ton Forge Press area supported by documentation such as: Identification of sample locations, preliminary sample analysis results, cleanup procedures, cleanup materials used, final verification sampling results, and manifests indicating proper disposal of cleanup debris. The documentation shall indicate that standards required by 40 C.F.R. 761.120 have been met.

6. Within 30 days of execution of this Consent Agreement and Final Order, Respondent shall begin a program of PCB cleanup, as outlined in Attachment #1 of this Consent Agreement and Final Order, in the #10 Press Building (Extrusion Press Building). Respondent shall submit to Complainant within ten consecutive days after the end of each calendar quarter for a period of six consecutive calendar quarters on and after the date of execution of this Agreement by Respondent, a complete

1 report which shall indicate the status of the cleanup  
2 project. In the event that Respondent has completed all  
3 of the tasks and submitted all of the documentation  
4 required by this Article V.6,, the report set out herein  
5 will not be required.

6 7. Within 30 days after the execution of this Consent  
7 Agreement and Final Order, Respondent shall submit  
8 payment in the amount of FOUR THOUSAND EIGHT HUNDRED  
9 FIFTY DOLLARS. The payment shall be sent to:

10 EPA - Region 9  
11 Regional Hearing Clerk  
12 P. O. Box 360863M  
Pittsburgh, PA 15251

13 VI

14 In the event Respondent is unable to complete the tasks set  
15 out in Article V above, within the prescribed time, Complainant  
16 will extend the agreed performance period upon Respondent's  
17 written request, provided that Respondent can demonstrate to  
18 Complainant's reasonable satisfaction that Respondent has used  
19 its best efforts to comply with the specified requirements.

20 All submissions under this Consent Agreement and Final Order  
21 (other than the payment of civil penalty) shall be addressed as  
22 follows:

23 Greg Czajkowski, Chief  
24 Toxics Section, A-4-2  
25 Air and Toxics Division  
26 U.S. Environmental Protection Agency  
27 Region 9  
215 Fremont Street  
San Francisco, CA 94105

26 ///

27 ///

VII

This Agreement does not relieve Respondent from compliance with monitoring and from enforcement actions for TSCA violations not addressed by this Agreement, including but not limited to all non-civil enforcement actions, or from enforcement actions under laws administered by State or local environmental authorities, except where TSCA would pre-empt such laws and the specific violations are governed by the Agreement.

VIII

In executing this Consent Agreement and Final Order, Respondent agrees to pay the civil penalty in accordance with the conditions and timeframes specified in the FINAL ORDER set forth below. In accordance with the Debt Collection Act of 1982 and U.S. Treasury (TFRM 6-8000), payment must be received with 30 days after the execution of this Consent Agreement and Final Order to avoid additional charges. If not received, interest will accrue from the date of execution at the current interest rate published by the U.S. Treasury. A late penalty charge of \$20.00 per thousand dollars of the proposed penalty will be imposed with an additional charge of \$10.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any principal amount not paid within 90 days of the due date. In addition, if payment is not made within the required timeframe, Respondent shall be liable for the full amount of the civil penalty of NINE THOUSAND SEVEN HUNDRED DOLLARS as specified in the Final Order below.

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IX


In the event that Respondent fails to perform any task set forth in this Consent Agreement and Final Order within the specified time, unless such time has been extended pursuant to Article IX, Respondent shall be deemed to be in default of this Consent Agreement and Final Order.

In the event that Respondent is deemed to be in default of this Consent Agreement and Final Order, Respondent agrees to pay Complainant the balance of the unpaid portion of the full amount of the civil penalty of NINE THOUSAND SEVEN HUNDRED DOLLARS within fifteen (15) days after Respondent's receipt of an Order of Non-Remittance.

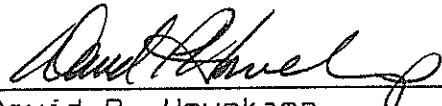
X

Complainant and Respondent consent to the entry of this Agreement and Final Order without further notice.

February 12, 1990  
Date

  
Respondent Vincent R. Scorsone  
Group Vice Pres.--Aerospace & Industrial Produc  
(print name and title)

3/6/90  
Date

  
David P. Howekamp  
Director  
Air and Toxics Division

1 FINAL ORDER

2 IT IS HEREBY ORDERED that this Consent Agreement and Final Order  
3 (Docket No. TSCA-09-89-0015) be entered and Respondent shall pay  
4 by cashier's check or certified check made payable to the  
5 Treasurer, United States of America, within thirty (30) days  
6 after the execution of this Consent Agreement and Final Order,  
7 and addressed as follows:

8 EPA - Region 9  
9 Regional Hearing Clerk  
P.O. Box 360863M  
Pittsburgh, PA 15251

10 a civil penalty in the amount of FOUR THOUSAND EIGHT HUNDRED  
11 FIFTY DOLLARS (\$4,850.00). A copy of the check shall be sent to  
12 the EPA Region 9 address specified in Article VI above within  
13 thirty (30) days after the execution of this Consent Agreement  
14 and Final Order. In the event Complainant determines that  
15 Respondent has failed to complete all of the tasks identified in  
16 Article V above within the specified timeframes, the balance of  
17 the unpaid portion of the full amount of the civil penalty of  
18 Nine Thousand Seven Hundred Dollars shall be due within fifteen  
19 (15) days after Respondent's receipt of an order of  
20 non-remittance. Such balance shall be paid by cashier's check or  
21 certified check, made payable to the Treasurer, United States of  
22 America, and sent to the Pittsburgh address specified above.

23 This order shall become effective immediately.  
24

25 March 6, 1990  
26 Date

27 Steven W. Anderson  
Steven W. Anderson  
Regional Judicial Officer  
US EPA  
Region 9



ATTACHMENT #1  
CONSENT AGREEMENT AND FINAL ORDER  
DOCKET NUMBER TSCA-09-89-0015

1. Conduct site assessment of all accessible areas in the #10 Press Building (Extrusion Press Building) to determine PCB contamination by analyzing standard wipe samples and core samples. The sampling plan shall follow guidelines described in "Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup," EPA document number EPA560/5-86/017.
2. The above referenced characterization will include soil sampling for detection of PCB contamination under the Building. Aluminum Company of America to provide a diagram of the #10 Press Building and indicate proposed locations of soil sampling sites. The number and locations of soil samples to be taken to be agreed upon by Aluminum Company of America and EPA and the results of wipe, core and soil sampling to be submitted to EPA. Should a probability of potential groundwater contamination by PCBs exist, ALCOA should then be prepared to take appropriate remedial action to eliminate any risk to groundwater posed by the PCBs.
3. ALCOA will select and indicate to EPA at least four areas of concrete, two vertical and two horizontal, representing highly contaminated and moderately contaminated areas, and shall clean them using a high pressure blaster and an appropriate cleaning solution followed by clean water rinse. The highly contaminated area will be chosen to represent the highest 10% of measured contamination while the moderately contaminated area will have PCB contamination of approximately 100 ug/100 sq. cm.
4. Verification sampling will be conducted in the four areas after one week and again after one month to determine efficiency of above referenced cleaning methods. If determined to be successful, this cleaning technique will be used on all accessible contaminated areas.
5. Accessible areas that show PCB contamination greater than 100 ug/100 sq. cm. must be recleaned until decontamination levels fall within standards outlined by the PCB Spill Cleanup Policy 40 C.F.R. 761.120. Accessible restricted access, low contact, indoor, nonimpervious surfaces may be cleaned to 100 ug/100 sq. cm. if then encapsulated.
6. In areas where cleaning has failed to meet the required standards, ALCOA, where practical, will consider concrete removal in those areas in order to reach PCB Spill Cleanup Policy decontamination levels.
7. Within 240 days after the execution of this Consent Agreement

1 and Final Order, Respondent shall provide Complainant with with a  
2 narrative description of cleanup effort at #10 Press Building and  
3 shall include documentation such as: Cleanup procedures, cleanup  
4 materials used, identification of verification sample locations,  
5 final verification sampling results, and manifests indicating  
6 proper disposal of cleanup debris.

7 8. Cleanup of all currently accessible areas in #10 Press  
8 Building shall be accomplished within 180 days from the effective  
9 date of this Consent Agreement and Final Order. In the event  
10 that Respondent is unable to complete the cleanup in time frame  
11 specified, Respondent shall make application in writing to EPA at  
12 the address specified in Article VI above for an extension of  
13 time. The application for an extension of time shall be  
14 submitted at least seven (7) days in advance for the date for  
15 performance of items 7 and 8 of this attachment.

16 9. At such time that the Facility is no longer in operation, or  
17 if the Facility is sold or transferred, or if any long term  
18 shutdown of the Facility occurs, full cleanup of PCB  
19 contamination in the #10 Press Building shall occur, with PCB  
20 Spill Clean Up Policy Standards 40 C.F.R. 761.120 standards being  
21 met.

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Consent Agreement and Final Order Docket No. TSCA-09-89-0015 was filed with the Regional Hearing Clerk, Environmental Protection Agency, Region 9, and that copies, addressed as follows, were served by mailing Certified Mail, Return Receipt Requested, postage prepaid, in a United States Mail Box, at the City and County of San Francisco, California, on the 8th day of March, 1990:

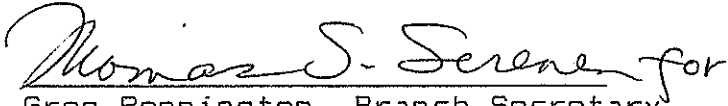
Mr. Al Piecka  
General Regional Manager  
Aluminum Company of America  
P. O. Box 58407  
5151 Alcoa Avenue  
Los Angeles, California 90058

Certified Mail #  
P 442-087-191

Henry B. Frazier, III  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
U. S. Environmental Protection Agency  
401 M Street, Room 3706 (A-110)  
Washington, D. C. 20460

Certified Mail #  
P 442-087-190

Dated at City and County of San Francisco, California, this  
8th day of March, 1990.

  
Greg Pennington, Branch Secretary  
Pesticides and Toxics Branch  
Air and Toxics Division  
EPA, Region 9